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09/696,274	10/25/2000	Robert P. St. Pierre	SMQ-036	4372

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LAHIVE & COCKFIELD
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BOSTON, MA 02109

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,274

Applicant(s)

ST. PIERRE, ROBERT P.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 21-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter "a handheld remote controller" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (US Patent Number 6466971).

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Regarding claim 1, Humpleman et al disclose in a remote control device coupled to a network interface with a network (see abstract; figs. 1 and 3), said network having at least one additional device coupled thereto (see abstract; figs. 1 and 3), a method comprising:

enabling said remote control device to dynamically locate and identify at least one of said additional devices (see abstract; col. 2, lines 25-35; lines 40-55; col. 3, lines 9-29; col. 8, lines 34-47; and fig. 9); and dynamically retrieving command codes of said identified device (see col. 2, lines 41-57; col. 3, lines 9-30); controlling the operations of said identified device using said command codes (see col. 2, lines 48-51).

Regarding claim 17, Humpleman et al disclose a medium for use with a remote control device coupled to a network, said medium holding computer-executable instructions for performing a method comprising:

providing at least one additional device coupled to the network (see col. 3, lines 9-30); enabling at least one of said additional devices to be dynamically located and identified by the remote control device (see abstract; col. 2, lines 25-35; lines 40-55; col. 3, lines 9-29; col. 8, lines 34-47; and fig. 9), and said remote control device controlling the operations of said identified device using command codes dynamically retrieved from the identified device (see col. 2, lines 41-57; col. 3, lines 9-30)

Regarding claims 2 and 18, Humpleman et al also disclose wherein said method further comprises the steps of: sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51).

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Regarding claim 3, Humpleman et al also disclose said method further comprises dynamically locating and identifying multiple devices with the remote control device (see abstract; col. 8, lines 34-47; and fig. 9)

Regarding claim 4, Humpleman et al also disclose said method further comprises controlling the operations of multiple devices with the remote control device (see fig. 3; col. 2, lines 52-55)

Regarding claim 5, Humpleman et al also disclose said method further comprises said remote control requesting and receiving a list of command codes from the identify device (see fig. 24).

Regarding claim 6, Humpleman et al also disclose said method further comprises sending received command codes to said identified device from the remote control device (see col. 2, lines 48-51).

Regarding claims 7 and 8, Humpleman et al also disclose said method further comprises displaying on the display surface of said remote control a list of the identified devices available to a user (see col. 8, lines 37-40; and 48-54); selecting a device to control from among those listed on the display surface of the remote control device by a user of the remote control device (see col. 8, lines 37-40; and 48-54).

Regarding claim 9, Humpleman et al also disclose said method further comprises said identified device receiving a request for its command codes from said remote control device (see col. 8, lines 50-59); said identified device providing said command codes to the remote control device (see col. 8, lines 50-59).

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Regarding claim 10, Humpleman et al also disclose said method further comprises said network attached device providing its command codes and an associated text string for each code to the remote control device in response to a request from the remote control device (see col. 8, lines 28-34).

Regarding claim 11, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see col. 10, lines 28-34).

Regarding claim 12, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device providing its command codes and an associates graphical image for each command code to the remote control device in response to a request from the remote control device (see explanation in claims 10 and 11).

Regarding claim 13, Humpleman also discloses said method further comprises the steps of: with the protocol, said network attached device receiving and executing one of its command codes from said remote control device (see col. 8, lines 56-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Tagliabo et al (European Patent 0549541).

Regarding claim 14, Humpleman et al disclose in a remote control device coupled to a network (see abstract; figs. 1 and 3), a method comprising:

Enabling at least one of said additional device to be dynamically located and identified by the remote control device (see abstract; col. 8, lines 34-47; and fig. 9); and said remote control device controlling the operations of said identified device using command code dynamically received from the identified device (see col. 2, lines 41-57). Humpleman et al are silent to disclose providing said network within a motor vehicle, said network having at least one additional device coupled thereto.

However, Tagliabo et al disclose providing network within a motor vehicle, the network having at least one additional device coupled thereto (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tagliabo et al to Humpleman in order to control equipment system, device and appliance in a vehicle.

Regarding claim 15, Humpleman et al also disclose wherein said method further comprises sending communications over an Internet Protocol (IP) based network (see col. 5, lines 5-15 and col. 2, lines 46-51).

Regarding claim 19, Humpleman et al also disclose a method comprising all limitations as claimed in claim 17. They are silent to disclose wherein said network is located in a motor vehicle. However, Tagliabo et al disclose a remote control device coupled to a network located

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in a motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tagliabo et al to Humpleman in order to control equipment system, device and appliance in a vehicle.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Tagliabo et al (European Patent 0549541) and further in view of Schneider et al. (US Patent Number 6304895).

Regarding claim 16, Humpleman discloses a method modified by Tagliabo comprising all of the limitations as claimed. They are silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schneider to Humpleman in order to be easy for user to use the remote control device.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US Patent Number 6466971) in view of Schneider et al. (US Patent Number 6304895)

Regarding claim 20, Humpleman et al disclose a method comprising all of the limitations as claimed. They are silent to disclose said remote control device containing a touch pad screen. However, Schneider discloses remote control device contains a touch pad screen (see col. 2, lines 50-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Schneider to Humpleman in order to be easy for user to use the remote control device.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen



**SINH TRAN
PRIMARY EXAMINER**